

Minutes of the Commission Meeting of the Board of Commissioners, Carbon County, State of Utah, held July 1, 2015 at the Courthouse Building, Price, Utah, commencing at 4:30 p.m.

Those present: Jake Mellor, Commission Chair  
Jae Potter, Commissioner  
Casey Hopes, Commissioner

Also present: Seth Oveson, Clerk/Auditor  
Lori Perez, Deputy Clerk  
Sandy Lehman, Commission Secretary  
Jeff Wood, Sheriff  
Christian Bryner, Attorney  
Rose Barnes, HR  
IT Department  
Maintenance Department  
Chad Allred, Janitorial Dept.

Clerk's Certificate of Compliance with Open Meeting Law was filed.

Commissioner Mellor welcomed everyone and led the Pledge of Allegiance. The meeting began at 4:35 p.m.

**1) Carbon County Employee of the Month Recognition – Rose Barnes**

Rose explained that many employees were recognized this month because of the work accomplished to move to the new building. IT and Maintenance Departments were acknowledged as employees of the month. They were thanked for making the move happen. IT got the new building up and running and the Maintenance Department physically moved everyone.

On behalf of everyone in the New Administration Building, these departments were thanked and appreciated for their hard work. Those recognized from the IT Department were Steve Maxfield, Erica Vogrinec, Barry Horsley and Brian Anderson. From the Maintenance Department - Brandon Wise, Mike Johnson, Nick Fister, Mark Kerby and Louie Nickas.

Sheriff Wood had Chad Allred come to the podium. The Sheriff's Department wanted to recognize him by presenting him as an honorary deputy with the Carbon County Sheriff's office so he will always be part of their family no matter where he is. Chad is appreciated for the hard work he continues to do.

**2) Approval of Minutes**

Commissioner Potter made a motion to approve the minutes from the June 3, 2015 Work Meeting, Commissioner Hopes seconded. Motion carried.

Commissioner Hopes made a motion to approve the minutes from the June 3, 2015 Commission Meeting, Commissioner Potter seconded. Motion carried.

**3) Follow-up on Ten 33 Software proposal – J. Llewelyn and Mark Marrott, Viper Technologies**

Mark Marrott from Viper Technologies explained that at the work meeting on April 1, concerning the preplanning software, he was asked to follow up by contacting all of the other municipalities, police and fire departments in the County to see if they would support the software. He and Jason did make contact with everyone and all are in favor of the proposal.

Commissioner Mellor asked what their types of responses were received. Mark said most concerns were about how to secure each department's data, the security levels and who can access what information. Mark explained that the software program is based on user preferences and the information is secure depending on who they decide to share it with. Commissioner Hopes asked who has access to all the secured information. Mark said the software would be installed on the county servicers and the different entities would have access to only their portal within their software and they would only be allowed access to the data that is shared.

Commissioner Potter asked for the cost. Mark said for 120 licensed users the cost is \$86,400 with a monthly charge based on redundancies of \$960 a month. The annual maintenance for the software after the first year is about \$17,000 or 20% of the \$86,400 (actual is \$17,280).

Barry was asked if the software is compatible with our servers. He doesn't know yet and we may not want to go with the redundancies; we may take that cost and put it in our own redundancy of our entire system.

The Commissioner thanked Mark for his information and will take it under further consideration.

4) **Consideration and possible approval of Capital Project Administration MOU with State of Utah for new District and Juvenile Court Complex Project**

Attorney Christian Bryner modified the MOU to indicate that the Division of Facility Management will have primary control of the design and the construction of the new court complex and the County will consult, review, advise and make recommendations during the project without significant involvement.

The project manager will meet with the County representative who can make suggestions and changes to the final plans but DCFM will have the final authority and will authorize any change orders and construction directives. The County would be advised of meetings between the Administrative Office of the Courts and DCFM and can attend those meetings. The general contractor will be advised to use local sub-contractors when bidding out constructive projects as much as possible.

The discussion continued concerning the ownership of the new 7<sup>th</sup> District Court Building. Seth said the Court has requested a letter explaining our preference of ownership. Christian would like to add the wording of the letter into the contract. Seth would like to send the letter along with the MOU or add it to the contract as soon as possible.

Commissioner Potter said the proposal for ownership is twenty years which during those twenty years 7<sup>th</sup> District Court would be responsible for payment of the debt incurred until the building is fully paid for before they would take ownership. The cost to the County would be zero. If we retain ownership after the twenty years there would be an adjustment in the lease payment which would be less than the twenty year loan payment.

Christian said he attended the previous meetings and it was his understanding that we were going to own the building. The State is under the impression that our preference is for us to own the building outright and lease it to them for as long as they will be there. Seth said that is what they are expecting and believes that this is a better plan for two reasons, first, as things need to be repaired or changed the County can respond faster and get the work done and second, the lease money collected is additional funds for the County. This arrangement has the best interest for the County by building a balance which can be used for other purposes in the County without increasing taxes.

Commissioner Potter asked if this is similar to the arrangement with the DWR building. Seth said the DWR building has a lease purchase agreement at the end of the bonds.

Gary Baker asked to speak, Commissioner Mellor explained that the Commission was not receiving comment on this item and asked that he submit his comments in writing.

Commissioner Potter asked about how the computer servers would be placed to accommodate County attorneys in the building which Barry mentioned in the last meeting. Christian will add this to the contract.

Commissioner Potter made a motion that the MOU reflect that the County will retain ownership of the building and include the estimated cost for the lease before and after the twenty year loan period and add IT service to the building for the County attorneys. Commissioner Hopes seconded. Motion carried.

5) **Consideration and possible approval of an agreement with Mark Ward for the preparation of a County Resource Management Plan**

Commissioner Hopes said this agreement will allow Mark Ward to take our County Resource Management Plan and write it in the format required by the State. Mark works for UAC but will reformulate our plan as an outside legal consultant.

Commissioner Mellor explained that some counties do not have a plan in place and will have to do extensive preparation that could cost up to \$100,000. Mark is asking for \$9,000 which is very reasonable in comparison to what the other counties will be paying.

Commissioner Hopes said in the past we have paid significant amounts to gather this kind of data on wilderness and public land uses. We have quite a bit of the planning completed.

Commissioner Potter made a motion to approve the agreement with Mark Ward for \$9,000. Commissioner Hopes said there may be additional expenses down the road to gather more information. If the amount increases it will be brought back to the Commission. Commissioner Hopes seconded. Motion carried.

6) **Consideration and possible approval of a Road Project Agreement with Forest Service for repairs and improvements to Wiregrass Bench Road and Corner Canyon Road**

Commissioner Hopes said this agreement was sent to the County by Daniel Luke at the Forest Service and concerns the areas impacted by the Seeley Fire. This agreement will repair some of the roads and increase culvert sizes to handle the volume of water coming off of the burn scar. Our matching portion of this agreement is equipment and labor costs. The Forest Service will pay for the construction material and includes \$9,000 for culverts and \$45,000 for any other repairs like road base or additional culverts.

There were changes made on Page 3-6, the co-operator program contact will be Seth Oveson instead of Daniel Campbell and the address was changed to reflect the new Administration Building.

Commissioner Hopes made a motion to approve the Road Project Agreement with the U.S. Forest Service for repairs and improvements along Wiregrass Bench and Corner Canyon Roads. Commissioner Potter seconded. Motion carried.

Commissioner Potter reminded everyone of the high fire danger and the restrictions in the County. Christian read the memo received from the Utah Interagency Fire Department which consists of the BLM, National Park Services, DNR, U. S. Forest Service, and the U.S. Fish and Wildlife who have said that these areas and all unincorporated private lands within the counties are banned from the use of fireworks. Smoking is limited and no campfires are allowed except in established campgrounds and picnic areas, in cement lined fire pits. It was not known if this includes private back yard fire pits in the County. Jason needs to be asked this.

The 4<sup>th</sup> of July Fireworks were discussed. An exemption can be applied for to allow for the public fireworks held at the Fairgrounds. This was a public service discussion and no motion was needed.

7) **Consideration and possible approval of a lease agreement of space in Carbon Rec Building with the Boys and Girls Club of Carbon County**

Megan Marshall, Terri Willis and Josie Luke from the Boys and Girls Club of Carbon County are asking to lease a portion of the old Carbon Rec building (Price Tavern/Senior Center) for their organization. They serve about eighty-eight teens with an average of twenty per day. They are looking to expand to offer a youth program for six to twelve year olds.

Commissioner Potter asked that the cost of utilities be added to the agreement. Seth explained that the utilities run approximately \$11,000 a year for the Rec building. Previously the Commission has donated \$15,000 annually to help run the Boys and Girls Club, the Commission could now provide the utilities in lieu of the donation, the utilities could stay in the County name and be easily administered.

On Page 3 the address for the Boys and Girls Club needs to be changed to PO Box 889 and the County address needs to be updated to 751 E. 100 N.

The Boys and Girls Club director, Megan Marshall, said they would be okay with the in lieu of donation for the utilities paid even though it is less money.

Seth said it was discussed to amend the contract to include a \$1,000 cap for minor repairs that the Club would be responsible for. The County would take care of any major repairs. The County will still maintain

certain rooms in the building including Carbon County Rec's tumbling room and the Elks use of the downstairs room for boxing. The Boys and Girls Club would be responsible for the area they occupy.

Commissioner Potter asked about the trailer additions on the north side of the building that need to be torn down because of leaks and decay. Megan said this area is currently being used for storage by Carbon County Rec and the Boys and Girls Club will not be using this area, they would however like access to the kitchen. It was decided that with proper notification the County could demolish the trailer section without impacting the Boys and Girls Club.

The Club would like to move in as soon as possible so that the youth program can be implemented on the second day after school starts. Commissioner Potter asked that some of the youth provide man power to get the building ready. The director said that the board of directors, volunteer staff and community volunteers will also help.

Barry said they are planning on pulling out the computer switching equipment and wireless connection to the old administration building but could be left until the old courthouse is demolished because once this occurs the connections will no longer work.

Terri asked if the system can stay until the transition is made and could they work on Carbon Public. Commissioner Potter would like to see the transition be completed by the end of the year.

Christian reiterated the items to be added to the agreement:

Utilities will be provided by the County as part of the lease in lieu of the donation

The Boys and Girls Club will be responsible for minor repairs under \$1,000 in their section of the building

The County has the right to demolish the trailer section of the building and to make repairs at its own expense with notification

The Boys and Girls Club will have internet access on Carbon Public until the end of the year

The addresses need to be changed for both parties

Commissioner Potter made a motion to approve the contract including the utilities, internet service, minor repair responsibility, notification before changes are made to the building and addresses corrected as noted. Commissioner Hopes seconded. Motion carried.

**8) Adopt Auditor's Certified Tax Rate – Seth Oveson**

Seth explained the tax rates for the year and that they need to be approved by the legislative body in order to be adopted. The tax rate for Carbon County this year is .002726 which is estimated to produce \$4,920,659 in the General Fund. The Municipal Services Fund rate is .000239 which is estimated to produce \$289,346.

Commissioner Potter asked for a comparison to the previous year. Seth said the prior year tax rate for the Municipal Services Fund was .000228 which is a 4.8% increase due to the decrease in centrally accessed taxes. Last year's rate for the General Fund was .002695 or a 1.15% increase also due to the decrease in centrally accessed tax.

Commissioner Potter made a motion to approve the certified tax rate, Commissioner Hopes seconded. Motion carried.

**9) Review and Approval of Departmental Reports**

**10) Possible closed session to discuss acquisition or disposal of real property and pending or imminent litigation, pursuant to Utah Code Annotated Section 52-4-205.**

Commissioner Hopes made a motion to move into a closed session. Commissioner Potter seconded. Motion carried.

Commissioner Hopes made a motion to leave the closed session and return to a regular session. Commissioner Potter seconded. Motion carried.

Commissioner Hopes made a motion to allow Christian to make an opening offer to negotiate with and to include the purchase of a nearby property for the detention pond. Commissioner Potter seconded. Motion carried.


Commissioner Potter made a motion to allow Christian to negotiate to resolve the Heugly Properties, LLC as discussed in closed session. Commissioner Hopes seconded. Motion carried.

Commissioner Hopes made a motion to deny granting of special space for the public interest group that is not associated with Energy Days but does allow them to be at the Fairgrounds as individuals per free speech to question, interview and mingle with people as necessary.

Commissioner Hopes made a motion to adjourn, Commissioner Potter seconded. Motion carried.

Meeting adjourned at 6:30 p.m.

ATTEST:

  
Seth Oveson, County Clerk/Auditor

